(64)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

Single Bench : Hon'ble Shri S.R. Nayak, C.J.

Writ Petition No.2181 OF 2002

PETITIONERS

1. Madhoprasad, S/o Bhagwat Prasad Sahu, aged 20 years,
2. Om Prakash, S/o Bhagwat Prasad Sahu, aged 18 years,
3. Sanjay Kumar, S/o Bhagwat Prasad Sahu, aged 12 (minor)
4. Ajay Kumar, aged 8 years,

petitioner No. 3 & 4 are minor through father Bhagwat Prasad Sahu.

All the petitioners are R/o Village - Bijaur, Post Urtum, Tahsil & District Bilaspur (C.G.)

versus

RESPONDENTS

1. Dwarikadhish, S/o Shivnathi, Aged 28 years, R/o Village - Bijaur, Post Urtum, Tahsil & District Bilaspur (C.G.
2. State of Chhattisgarh through Collector, Bilaspur (C.G.)

Present : Mr. Rajeev Shrivastava, learned counsel for the petitioners.
Mr. Sanjay S. Agrawal, learned G.A. for the State.

ORAL ORDER
(Passed on 21st February, 2006)

In this writ petition filed under Article 227 of the Constitution, the order of the trial Judge has been assailed. The petitioner is the plaintiff. In the suit filed by him for declaration and perpetual injunction, on an application made by him, the trial Judge granted temporary injunction. When that order was assailed before the learned appellate Judge, he has reversed the same by the order impugned in this writ petition on the

ground that the will on the basis of which the petitioner has put-forth his claim, is illegal. Although, this writ petition was filed as far as back as on 08.10.2002, till date, the order made by the learned appellate Judge has been in operation. The suit is of the year 2002. In that view of the matter, I think that the ends of justice would be met by directing the learned trial Judge to dispose of the main suit itself within a time-frame and till then directing the parties to maintain status-quo that obtains as on today. Accordingly, I direct the learned trial Judge to try and dispose of the suit as expeditiously as possible, at any rate, within a period of six months, from the date of receipt of a copy of this order. Learned trial Judge is further directed that the suit should be decided on the basis of the evidence that may be adduced by the parties and he shall not be in any way influenced by any of the observations made by the learned appellate Judge in the order impugned in this writ petition. It is further directed that the parties shall maintain status-quo that obtains as on today with regard to the suit schedule property. The writ petition is disposed of in the above terms. No costs.

Sd/-
Chief Justice